



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

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RECEIVED
DEC 11 1989

Mr. Wayne Lynn
Regional Solid Waste Manager
Pennsylvania Department
of Environmental Resources
Bureau of Solid Waste Management
1875 New Hope Street
Norristown, PA 19401

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Re: NVF Site PCB Site; Kennett Square, Pennsylvania.

Dear Mr. Lynn:

On March 31, 1988 the U.S. Environmental Protection Agency (EPA) issued the NVF Company an Administrative Order requiring the company to identify and remove soils and sediments contaminated with PCBs in levels that exceeded 50 ppm, from a drainage ditch, swale and unnamed tributary to the West Branch of the Red Clay Creek. NVF completed the removal of PCBs by way of excavation in the swale, but because of the unexpected degree of contamination discovered in the drainage ditch and the proximity of the ditch to an operating railway, NVF proposed to immobilize the PCBs by installing a cap over the drainage ditch, as a means to maintain the integrity of the railway.

During our review of NVF's proposal, we were informed by Cynthia Steele of the Bureau of Water Quality (BWQ) that the cap may not meet the requirements of the Bureau of Solid Waste Management (BSWM) regarding containment of PCB contamination. Consequently, we made numerous attempts to meet with your staff, through BWQ and by our own efforts. On July 28, 1989, Harry Daw of my staff wrote Gary Bonner of your office to confirm PADER's position that if the PCBs are allowed to stay in place they would have to comply with the State's Solid Waste regulations for proper closure, or be excavated down to background levels. Mr. Daw also requested that Mr. Bonner provide a copy of all relevant regulations, policy and reference precedents for this position.

To date, the only documentation we have received supporting the State's position is a copy of Pennsylvania's Solid Waste Management Act and a note stating that this was the rationale used at the Texas Eastern Site. In our opinion, this does not constitute adequate documentation to support the State's position at this Site. Since we have not received appropriate documentation supporting the State's objection to NVF's proposal we will resume planning activities regarding implementation of a modified version of their plan and will provide to your office all relevant information during this process.

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Please be aware that we have attempted to comply with all known state and local laws to the greatest extent practicable. Should however you be able to provide specific State requirements relevant to the NVF cleanup we would be willing to consider them. If you have any additional questions or wish to meet on this issue please contact Harry Daw of my staff at (215) 597-6687.

Sincerely,



Dennis P. Carney, Chief
Superfund Removal Branch

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